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Supreme Court of the United States

OCTOBER TERM, 1960 63

No. 688 832

MANUEL ARISTEGUIETA, Consul General of the Republic of Venezuela, on behalf of the Republic of Venezuela, *Petitioner,*

v.

THE FIRST NATIONAL CITY BANK OF NEW YORK; FRENCH AMERICAN BANKING CORPORATION; THE ROYAL BANK OF CANADA; SILVIO GUTIERREZ; and NAPOLEON DUPOUY, *Respondents*

NOTATION OF PROCEEDINGS BEFORE THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Petitioner herein wishes to advise the Court that the deposition and subpoena proceedings passed upon by the United States Court of Appeals for the Second Circuit (described on pages 9-10 of the petition for a writ of certiorari in this case) are now also before the United States Court of Appeals for the Fifth Circuit, as a result of steps taken by the defendant in the extradition case to oppose the depositions.

As the petition herein states, the deposition-subpoena procedure was opposed by the banks and by certain depositors through motions to quash which were filed in the United States District Court for the Southern District of New York. The defendant in the extradition case did not participate in the proceedings in New

York. On March 23, 1960, and on April 14, 1960, the defendant filed motions for a protective order, seeking to prohibit the taking of the depositions. These motions were filed in the United States District Court for the Southern District of Florida, where the extradition proceeding was and is pending. The motions were denied by orders of April 7, 1960, and April 14, 1960. Defendant took an appeal to the United States Court of Appeals for the Fifth Circuit. Briefs were submitted to that court last autumn and the case was argued before that court this week, on Wednesday, March 15, 1961. Some of the questions presented to the Fifth Circuit in that case are presented in the petitions for a writ of certiorari, and in the briefs in opposition thereto, in Nos. 77 and 688 now pending in this Court.

Respectfully submitted,

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March 17, 1961